

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVN. APPLICATION NO.43 OF 2005

Umesh H. Khandekar ... Applicant

versus

The State of Maharashtra

and another ... Respondent

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Mr.Rahul S. Kate, for the Applicant.

Mr.K.V. Saste, A.P.P., for the Respondent No.1.

Mr.Pradeep Mahadik, for Respondent No.2.

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CORAM : A.M.KHANWILKAR, J.

27th April 2005

P.C.:

. Heard Counsel for the parties. Rule.
Rule made returnable forthwith by consent. Mr.
Saste waives notice for Respondent No.1 State.
Mr. Mahadik waives notice for Respondent No.2.
As short question is involved, application is
taken up for final disposal forthwith by consent.

. This application takes exception to the order passed by the Sessions Judge, Karad, dated 11th February 2005, dismissing the appeal of the Applicant questioning the correctness of the order of conviction and sentence imposed by the Judicial Magistrate, F.C., on the Applicant in respect of offence punishable under section 138 of the Negotiable Instruments Act.

. During the pendency of this application, parties have amicably resolved their differences. The Applicant has paid agreed amount to the Respondent No.2. Counsel for the Respondent No.2 states on instructions that the Respondent No.2 has received that amount. In other words, the main controversy arising out of dishonour of cheque has been amicably resolved by the parties. Consent terms arrived at between the parties tendered. Taken on record.

. In the circumstances, this revision application is allowed to the extent of setting aside the order of sentence imposed by the Court below as confirmed by the appellate Court. Instead, it is modified to sentence already

undergone by the applicant. Revision application succeeds on the above terms.